

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SIDNEY LYLES, III,)
)
Plaintiff,)
)
vs.) Case No. 4:11-CV-0263-TIA
)
COLUMBIA PUBLIC SCHOOLS)
DISTRICT, et al.,)
)
Defendants.)

ORDER AND MEMORANDUM

This matter is before the Court upon receipt of Plaintiff's response to this Court's Order to show cause as why this action should not be dismissed as time-barred.

Plaintiff brings this action for employment discrimination against Columbia Public Schools District, The Curators of the University of Missouri, and Boys and Girls Town of Missouri. Plaintiff has submitted his cause of action on one of the Court's standard "Complaint" forms alleging essential facts of his claim, describing the conduct he believes is discriminatory, and how Defendants are involved in the conduct. In addition, Plaintiff attached a copy of the Equal Employment Opportunity Commission ("EEOC") Notice of Right to Sue letter, dated November 2, 2010. (Docket No. 1-1, Plaintiff's Exhibit 1).

Unless a Title VII plaintiff files suit within ninety days of receiving a right-to-sue letter from the EEOC, he or she is foreclosed from bringing suit on the allegations made in the EEOC Charge of Discrimination. 42 U.S.C. § 2000-e5(f)(1). The ninety-day time limit begins to run on the date the plaintiff receives the EEOC notice of right-to-sue. This ninety day limitations period is strictly construed. Because the EEOC envelope bears the postmark of November 3, 2010, the

Court presumes that he received the right-to-sue letter on November 6, 2010. Baldwin County Welcome Ctr. v. Brown, 466 U.S. 147, 148 n.1(1984) (presumption exists that claimant received right-to-sue notice 3 days after its mailing). Accordingly, the Court will presume at this point that the filing of the instant complaint was timely. Accordingly,

IT IS HEREBY ORDERED that the Clerk shall issue process or cause process to issue on the complaint.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 6th day of May, 2011.